UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2007 DEC 21 AM 10: 00

UNITED STATES OF AMERICA, Plaintiff, v. **Alan MARTINEZ-Ortega,** Defendant	)	Magistrate Docket No. '07 MJ 2954 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **December 19, 2007** within the Southern District of California, defendant, **Alan MARTINEZ-Ortega,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **21st** DAY OF **DECEMBER 2007**

William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Alan MARTINEZ-Ortega

PROBABLE CAUSE STATEMENT

On December 19, 2007, at approximately 9:00 P.M., Border Patrol Agent J. Garcia responded to a scope observation of possible group of illegal aliens south of the State Route 94 (SR 94), and approximately one-half mile southwest of South Grapevine Road. This area is approximately three miles west of the Tecate, California Port of Entry and approximately two miles north of the United States/Mexico International Boundary.

By following the directions of the infrared scope operator, Agent Garcia arrived at the location of the group and observed five individuals attempting to conceal themselves near a large group of rocks. Agent Garcia approached the subjects, including one later identified as the defendant **Alan MARTINEZ-Ortega**, and identified himself as a Border Patrol Agent. Agent Garcia questioned each of the individuals, including the defendant to determine their citizenship and immigration status. When asked where they were born and what country where they nationals from each one, including the defendant stated "Mexico". When asked if they had any valid United States immigration documents allowing them to enter into or remain in within the United States legally, the defendant and the other four stated "No". The defendant and the other four subjects were arrested and transported to the Brown Field Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 8, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights, which he stated that he understood and was willing to answer questions without having an attorney present. The defendant admitted to being a Mexican citizen and that he did not possess any valid United States immigration documents that would allow him to be or remain in the United States legally. The defendant stated that he knowingly entered the United States illegally on December 19, 2007, by crossing the international boundary near the end of the fence at Tecate, California. The defendant stated that he was traveling to Los Angeles, California to visit his children.

James Trombley
Senior Patrol Agent

William McCurine Jr.
U.S. Magistrate Judge

12/21/07, 0927hrs
Date/Time